

**OREGON CLEAN WATER ACTION PROJECT
P.O. Box 11501
EUGENE, OR 97440**

October 5, 2019

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Guy M. Glenn, President
Pacific Shrimp Inc.
12305 Sandridge Rd
Long Beach, WA 98631

RECEIVED ON:

ORC

OCT - 8 2019

no cms

EPA Region 10

Office of the Regional Administrator

Mr. Glenn,

This letter is to provide you with notice of the intent of the Oregon Coast Alliance (ORCA) to file a citizen suit against Pacific Shrimp Inc. pursuant to section 505(a)(1)(A) of the Clean Water Act (CWA), 33 U.S.C. § 1365(a)(1)(A). You are hereby given notice that upon the expiration of the sixty (60) day statutory waiting period, ORCA will file a civil action against Pacific Shrimp, Inc. in the U.S. District Court for the District of Oregon unless Pacific Shrimp Inc. satisfactorily addresses the CWA violations enumerated below.

This lawsuit will allege that Pacific Shrimp Inc. has violated and continues to violate the CWA and applicable state water pollution control laws. Pacific Shrimp, Inc. operates a seafood processing facility located at 617 S.W. Bay Boulevard in Newport, Oregon, and has violated and continues to violate the CWA at this facility.

Section 301 of the CWA, 33 U.S.C. § 1311(a), and Oregon Revised Statutes § 468B.050, prohibit the discharge of any pollutant into the waters of the United States unless such discharge is permitted via a National Pollution Discharge Elimination System (NPDES) permit. Pacific Shrimp Inc.'s 617 S.W. Bay Boulevard facility is covered under NPDES general permit number 900-J, issued by the Oregon Department of Environmental Quality (DEQ). This permit allows Pacific Shrimp Inc. to discharge pollutants from the facility to the waters of the United States, specifically to Yaquina Bay, to the extent that such discharges are in accordance with specific limitations contained in the general permit.

The 900-J permit requires Pacific Shrimp Inc. to filter wastewater discharged from the facility so that total suspended solids (TSS) and oil and grease (O&G) in effluent discharged from the facility into Yaquina Bay meet specific limitations set out in the permit. Pacific Shrimp Inc. is regulated as an existing source of pollutants that processes shrimp and must meet the

limitations set out in the NPDES general permit 900-J for that particular species.¹ Discharge limitations are listed in Table 1 of Schedule A of the general permit and derived from the effluent limitation guidelines in 40 C.F.R. § 408.

Pacific Shrimp, Inc. has violated the limits set out in the general permit by failing to meet its NPDES effluent standards and limitations including, but not limited to, the following occasions:

Table 1 in Schedule A of NPDES general permit 900-J limits the average monthly concentration of TSS in the effluent discharged from the facility to 54.0 pounds of pollutant per 1000 pounds of raw product processed (lbs/1000 lbs) (derived from 40 C.F.R § 408.112). Discharge Monitoring Reports (DMRs) submitted to DEQ by Pacific Shrimp Inc. indicate that the facility exceeded this limitation during the following months, when the average monthly concentration of TSS discharged from the facility was as follows:

May 2014	54.6 lbs/1000 lbs
June 2014	147.8 lbs/1000 lbs
August 2014	114.7 lbs/1000 lbs
September 2014	66.0 lbs/1000 lbs
October 2014	67.1 lbs/1000 lbs
November 2014	74.1 lbs/1000 lbs
April 2015	75.4 lbs/1000 lbs
May 2015	92.3 lbs/1000 lbs
June 2016	59.1 lbs/1000 lbs
May 2017	59.2 lbs/1000 lbs
August 2017	93.9 lbs/1000 lbs
July 2018	65.2 lbs/1000 lbs
August 2018	85.4 lbs/1000 lbs

¹ While the Oregon DEQ is currently working on a proposed permit renewal, the effluent limitations included in the updated draft 900-J permit for existing sources that process shrimp are consistent with the limitations in the current 900-J permit that expired in 2011 but was administratively extended.

September 2018	74.9 lbs/1000 lbs
May 2019	108.2 lbs/1000 lbs
June 2019	67.6 lbs/1000 lbs
July 2019	72.2 lbs/1000 lbs

Notifier believes and alleges that Pacific Shrimp, Inc.'s above-mentioned violations are ongoing and indicate that Pacific Shrimp, Inc. will continue to illegally discharge pollutants from this facility in the future. Such violations are, and will be, known to the company and may be included in future legal actions by notifier. These failures to adequately limit the pollutants discharged into Yaquina Bay appear to be attributable, at least in part, to the facility's failure to maintain onsite equipment, including the mesh screen at the point of discharge, and failure to establish and execute sufficient practices in regard to sampling, cleaning, and general maintenance.

Notifier intends, at the close of the sixty (60) day notice period, to file a citizen suit under section 505 of the CWA, 33 U.S.C. § 1365, against Pacific Shrimp, Inc., seeking injunctive relief and the applicable maximum inflation-adjusted civil penalty amount² for each day of each violation stated above, in addition to those occurring subsequently, plus costs, attorney and expert witness fees, and such other relief as may be appropriate.

The name, address, and phone number of the person giving notice of intent to sue under the Clean Water Act is:

Oregon Coast Alliance
P.O. Box 857
Astoria, OR 97103
(503) 391-0210

The name, address, and phone number of counsel for notifier is:

J. Douglas Quirke
Oregon Clean Water Action Project
P.O. Box 11501
Eugene, OR 97440
(541) 686-3027

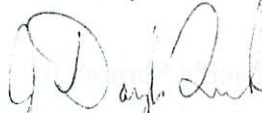
During the sixty-day notice period, we will be available to discuss effective remedies and actions which will ensure Pacific Shrimp, Inc.'s future compliance with the Clean Water Act and

² E.g., for violations that occurred after November 2, 2015, the applicable amount is \$54,833.

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all applicable state water pollution control laws. In addition, we welcome discussion about whatever facts you believe relevant which are not included in this notice letter. If you wish to avail yourself of this opportunity, or if you have any questions regarding this letter, please have Pacific Shrimp Inc.'s legal counsel in this matter contact the undersigned.

Sincerely,



J. Douglas Quirke

Cc: Guy Glenn, Registered Agent for

Mr. Andrew Wheeler, Administrator, U.S. Environmental Protection Agency

Mr. Chris Hladick, Region 10 Administrator, U.S. Environmental Protection Agency

Mr. Richard Whitman, Director, Oregon Department of Environmental Quality

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